

State of California
California Regional Water Quality Control Board
Santa Ana Region

Minutes of the September 5, 2008 Board Meeting
City of Loma Linda
25541 Barton Road
Loma Linda

1. Chair Beswick called the meeting to order at 9:10 a.m.

Board Members Present

Board Members Absent

Carole Beswick, Chair
Seymour Van Gundy, Vice-Chair
William Ruh
Fred Ameri
Mary Cramer
Steven PonTell

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
David Rice, Regional Board Counsel
Joanne Schneider, Environmental Program Manager
Hope Smythe, Chief of Basin Planning (Inland Waters)
Susan Beeson, Sanitary Engineering Associate
Dave Woelfel, Environmental Scientist
Kevin Heinemann, Staff Information Systems Analyst
Felipa Carrillo, Executive Assistant

Public Attendance

Joe Zoba, YVWD
Rod Cruze, City of Riverside
Kevin Street, City of Riverside
Craig Proctor, IEUA
Jayne Joy, EMWD
Al Javier, EMWD
Mark Norton, SAWPA
Tim Moore, Risk Sciences, Inc.
Chris Berch, IEUA
Gary Meyerhofer, Carollo Engineers
Ken Manning, Chino Basin

Marv Shaw, IEUA
Richard Atwater, IEUA
Larry McKenny, RBF
Karen Baroldi, OCSD
Greg Woodside, OCWD
Marsha Westropp, OCWD
Dorothy Carlson, ACTWS
Maryanne Skorpanich, County of Orange
Jason Uhley, RCFC & WCD
Scott and Debbi Low

2. Public Forum
There were no speakers.
3. Resolution of Appreciation for John Withers

Chair Beswick presented John Withers with Resolution No. R8-2008-0084, for his 16 years of exemplary service as a Regional Board Member - the longest continuous serving Board member

in the State. John Withers was first appointed to the RWQCB in 1992 by Governor Wilson, reappointed by Governor Wilson, reappointed by Governor Davis and reappointed by Governor Schwarzenegger. He served as Vice-Chair in 1999 and 2006 and as Chair in 2000 and 2001.

4. State Water Resources Control Board (SWRCB) Liaison Report

Tam Doduc, Chair of the SWRCB, provided an update to the Board regarding the Recycled Water Policy. About five months previously, the SWRCB asked a group of stakeholders to come together and try to reach a consensus position on a variety of issues pertaining to recycled water. The stakeholder group included representatives of the wastewater industry, water agencies, environmental groups including Heal the Bay, planning and conservation leagues, Inland Empire Utilities Agency and others. A draft state-wide Recycled Water Policy was developed and presented. Their draft proposal will be shared and discussed with all regional water Boards. Ms. Doduc said there was consensus on groundwater recharge, permitting for irrigation, how to address the anti-degradation policy, and how to move forward concerning emerging contaminants. There was discussion of the SARWQCB's approach in developing its salt management plan and consideration that this approach should be employed statewide.

5. Approval of the Minutes

Action: It was moved by Member Ruh, seconded by Member Ameri, and unanimously approved that the Minutes of the July 18, 2008 Board Meeting be approved as presented.

Agenda Update: It was noted that Item No. 7 had errata, and Items 10 and 12 had been postponed.

6. Consideration of Consent Calendar Items.

- *7. Reissuance of Waste Discharge and Producer/User Reclamation Requirements for Eastern Municipal Water District Regional Water Reclamation Facilities, Riverside County - Order No. R8-2008-0008.
- *8. Reissuance of Waste Discharge and Producer/User Reclamation Requirements for Inland Empire Utilities Agency's Regional Water Recycling Plant No. 5, San Bernardino County NPDES No. CA8000402 Order No. R8-2008-0028.
- *9. Amendment of Order No. R8-2007-0003 (NPDES No. CA8000326). Waste Discharge and Producer/User Water Recycling Requirements for the Irvine Ranch Water District's Michelson Water Reclamation Plant, Orange County - Order No. R8-2008-0072.
- *11. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement - Dorothy McGargill.

Action: It was moved by Member Ruh, seconded by Member Van Gundy, and unanimously approved that the Board adopt Orders No. R8-2008-0008 with errata, R8-2008-0028, R8-2008-0072, and approve the exemption from the minimum lot size requirements requested by Dorothy McGargill.

13. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement – Scott and Debbi Low

Joanne Schneider, Environmental Program Manager, presented this item to the Board. She described the proposed project, which entails the addition of a detached 1,838 sq ft garage/office/workshop with a full bathroom on a lot less than one acre. This area of the City of Rancho Cucamonga is unsewered, and a second septic tank-subsurface disposal system would be required. The project does not comply with the minimum lot size requirements. Regional Board staff advised the Lows' of the offset program, which, if implemented, would allow their project to proceed; however, they have declined this option. Board staff recommended that the request for exemption be denied. Ms. Schneider also indicated that Board staff is concerned, as are the Lows, with the City's inconsistency in approving projects similar to the Lows' proposal that do not satisfy the minimum lot size requirements. The City has developed a new written policy to guide its staff in implementing the minimum lot size requirements for new developments proposing the use of septic tank disposal systems.

The Regional Board denied the Lows' request for an exemption from the minimum lot size requirements for the detached garage/office/workshop without prejudice. The Regional Board identified 3 options available to the Lows to allow their project to proceed (offset, agreement of restriction, alternative disposal system). The Regional Board gave Board staff discretion to approve the project, provided that an acceptable option was identified and implemented.

Action:	It was moved by Member Ameri and seconded by Member PonTell, and unanimously approved to deny the project without prejudice and allow staff discretion to approve the project, provided that an acceptable option is implemented.
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14. Storm Water Quality Standards Task Force Progress Report and Workshop

Mark Norton of SAWPA said that, in 2003, a multi-agency task force composed of several water agencies was formed to assist in a Basin Plan review. Consultants Tim Moore and CDM were retained to facilitate the regulatory review, and provide technical support and analysis. This item is a report on the Task Force progress.

Tim Moore's presentation focused on the draft Task Force recommendations regarding changes in the definition of the REC-1 beneficial use. He explained the current definition of REC-1 (primary contact) and REC-2 (non-contact), and the changes that the Task Force has proposed. He indicated that the Task Force had submitted the draft proposal as a strawman summary to elicit comments from U.S. EPA and SWRCB staff. EPA and SWRCB staff expressed concern that the proposed changes in the REC-1 definition suggested a reduction in intended water quality protection. Mr. Moore stated that this was not the intent. EPA and SWRCB staff also indicated their preference that no changes to the definition be made, as a matter of statewide consistency. Mr. Moore indicated that the Task Force hoped to get some idea from the Regional Board whether the Board believes it worthwhile to pursue the proposed changes, in light of apparent disagreement with other agency staff. U.S. EPA and the SWRCB would ultimately need to approve changes to the standards approved by the Regional Board.

Tam Doduc was impressed with the presentation and invited the Task Force to make the same presentation at the next State Board meeting in Sacramento in October.

15. Inland Empire Utilities Agency/Chino Basin Watermaster Update on Status of "Maximum Benefit" Commitments

Executive Officer Thibeault presented this item. For the benefit of the new Board Members, he briefly explained relevant facts concerning 3 groundwater management zones; Chino 1, Chino 2,

and Chino 3, and stated that, in all of these management zones, the ambient quality was poorer than the objective. Under State law, the RWQCB could not allow any discharges into those management zones unless those discharges strictly met the objectives. This would pose great difficulties for the use of recycled water.

Mr. Thibeault explained the Basin Plan approach to address this problem. The Regional Board has established alternative, less stringent "maximum benefit" objectives that would apply, provided that specific projects and programs ("maximum benefit commitments") were implemented by the Inland Empire Utilities Agency (IEUA) and the Chino Basin Watermaster. The less stringent alternative objectives would allow recycled water use as part of a water resource management plan for the area.

Mr. Thibeault said that, due to some unresolved issues, IEUA and Chino Basin Watermaster have failed to attain hydraulic control, one of their maximum benefit commitments. He explained that they agreed to hydrologically isolate the Chino Basin so that poor quality groundwater no longer entered the Santa Ana River, which flows into Orange County and recharges that groundwater basin. Instead, poor quality groundwater would be captured in water supply wells that would feed the desalting facilities. He said additional extraction wells were necessary to establish hydraulic control. The actions proposed by IEUA and the Watermaster to re-establish hydraulic control would take four years. Due to unresolved issues, internal to the Chino Basin Watermaster, there has been no progress during the last year.

Mr. Thibeault suggested to the Regional Board that internal issues must be resolved by IEUA and Chino Basin Watermaster. He recommended hearing IEUA's and the Chino Basin Watermaster's testimony and then decide whether or not a hearing should be scheduled in the future on whether the Maximum Benefit commitments are being met.

Speakers:

Ken Manning: On behalf of Chino Basin Watermaster, Mr. Manning talked about the overall Maximum Benefit Objectives requirements. He said that, since 2004, all of the commitments described on Mr. Thibeault's presentation have been met, except the achievement of complete hydraulic control. In October, they expect final approval by the CDA Board for Western Municipal Water District to join the CDA. Once that issue gets resolved, they will try to get back on schedule and complete the project by 2013. In conclusion, he asked the Regional Board to defer action on a hearing with the parties on Maximum Benefit and allow staff at Watermaster and IEUA to work with Gerry and staff and the Regional Board and keep them apprised of progress, and come back in one year and then make an appropriate determination at that point in time.

Richard Atwater, General Manager of IEUA, said that when they have a wet year, they plan to use low TDS, high quality state project water to help meet the maximum benefit commitments and achieve objectives over the long-term. They are proud to have managed the salinity in IEUA's recycled water. With the action of allowing Western to join the CDA, they can get back on track and continue to manage the watershed and achieve all the commitments. They have a deadline with Metropolitan to complete the expansion studies to expand the storage program. He said the use of low TDS project water is the key part of the long-term water quality strategy.

Handouts: Automatic Water Softener Removal Rebate Program.

16. Hazardous Waste Incident Report
Information item.
17. Underground Storage Tanks Corrective Action Plans
Information item.
18. Underground Storage Tank Site Closure Report
Information item.

19. Regional Board Member and Executive Officer Communications

In light of Board Member Withers' departure from the Board, Chair Beswick asked Member Ameri to be the Board's representative for both the Newport Beach Executive Committee and the Southern California Wetlands Recovery Project. She announced that she had asked Member Van Gundy to serve as Vice-Chair until the next Board officer elections. They are faced with several issues in Sacramento with membership and appointments of Water Board members. Former Member Neev's application is in progress, Member Ruh is waiting for news on reappointment by the end of the month, and Member Cramer's appointment expiration is near. Chair Beswick was appreciative that, even though we lost Member Gallarda, we had gained a new board member, Mr. PonTell. She emphasized the need for Board member participation at the meetings and reminded board members that if they miss three meetings their tenure may be terminated.

There was discussion about the City of Riverside taking an active position on the proper disposal of drugs, and how in Beaumont, traces of pharmaceuticals were found in groundwater at a depth of 400 feet .

A special Board Meeting is being considered to discuss perchlorate.

28. Closed Session

There was no closed session.

29. Adjournment

The meeting was adjourned at 12:05 pm, to the regular Board meeting of October 24 at 9:00 am, in the City Council Chambers, 25541 Barton Rd, Loma Linda, CA, although It was noted, that, due to quorum issues for October 24th, that meeting will be rescheduled.

Respectfully submitted:



GERARD J. THIBEAULT
Executive Officer

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